

MEMO ENDORSED

CASEY & BARNETT, LLC

ATTORNEYS AT LAW

311 Madison Avenue, 21st Floor
New York, New York 10017

Telephone: (212) 286-0225

Facsimile: (212) 286-0261

Web: www.caseybarnett.com

MARTIN F. CASEY*

GREGORY G. BARNETT**

CHRISTOPHER M. SCHIERLOH

**USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 9/7/2007**

NEW JERSEY OFFICE

Casey & Barnett, LLP

25 Prospect Street

Morristown, NJ 07960

Tel: (973) 993-5161

Fax: (973) 539-6409

* Admitted in NY and NJ

** Admitted in NY, NJ, La and OH

Hon. Richard M. Berman
United States District Court
500 Pearl Street
New York, New York 10007

September 4, 2007

*Conference on 10/18/07 @
9:15 A.M.*

Re: *Via Pacific v. Tug Logistics, Inc.*

07 Civ. 6009 (RMB)(RLE)

Our ref: 115-842

SO ORDERED:

Date: 9/6/07

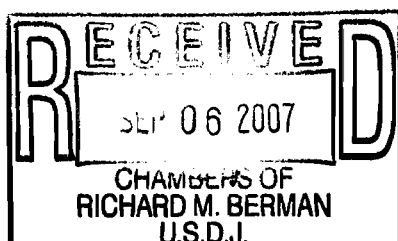
Richard M. Berman
Richard M. Berman, U.S.D.J.

Dear Honorable Judge:

This firm represents the plaintiff and I am writing to deeply apologize for missing this morning's scheduled initial conference. Shortly after arriving at work I realized the conference was calendared for today and immediately called you Honor's deputy and informed her that I would not be able to appear at the scheduled time, 9:15 a.m.

With respect to the case before your Honor, we sent a Request for a Waiver of Service to the defendant on July 19, in addition to Notice of the Initial Conference, and have not as yet received a response. Accordingly, we are in the process of formally effecting service upon the defendant, Tug Logistics, Inc.

I again apologize for the scheduling oversight on my part. I assure you this has not happened before and will not happen again. At this time, I respectfully request the Court grant an adjournment of the initial conference to a date convenient for the Court in mid October. By such time we expect the defendant will have Answered the Complaint.



Respectfully submitted,
CASEY & BARNETT, LLC

Christopher Schierloh
Christopher Schierloh
cms@caseybarnett.com